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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/575,854	06/21/2006	Tibor Cselle	31509-230190	9370
26694	7590	09/25/2009		
VENABLE LLP P.O. BOX 34385 WASHINGTON, DC 20043-9998			EXAMINER MCDONALD, RODNEY GLENN	
			ART UNIT 1795	PAPER NUMBER
			MAIL DATE 09/25/2009	DELIVERY MODE PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/575,854	<b>Applicant(s)</b> CSELLE ET AL.	
	<b>Examiner</b> Rodney G. McDonald	<b>Art Unit</b> 1795	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 10-22 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 10-22 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)            | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | Paper No(s)/Mail Date. ____.                                      |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>4/2007</u> .  | 6) <input type="checkbox"/> Other: ____.                          |

## **DETAILED ACTION**

### ***Claim Rejections - 35 USC § 112***

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 11 and 13 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claims 11 and 13 are indefinite because it is unclear if "preferably" is meant to limit the claims.

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

Claims 10, 12, 15, 16, and 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hammond et al. (U.S. Pat. 5,750,207) in view of Okazaki et al. (EP 1 081 247 A2).

Regarding claim 10, Hammond et al. teach a modular device for coating surfaces of items with a vacuum chamber in a physical vapor deposition method can be carried out. The vacuum chamber comprises at least one anode means 16 as well as a plurality of receiving devices for cathodes 13, 14, 15; wherein several arcs between the anode means, of which there is at least one, and the cathode can be ignited. A first receiving device for receiving at least one cathode 14 is provided substantially in the centre of the vacuum chamber; and at least one second receiving device for receiving at least one cathode on the edge of the vacuum chamber is provided, and the second receiving device is designed as a removable and/or swing-open door of the vacuum chamber. (Column 3 lines 25-57; Column 5 lines 27-29)

Regarding claim 12, Hammond et al. teach that two receiving devices are designed for receiving at least two cathodes each on the edge of the vacuum chamber as removable or swing open doors of the vacuum chamber. (Column 3 lines 25-37)

Regarding claim 15, Hammond et al. teach a substrate arrangement means for receiving one or several items to be coated. (Column 3 lines 43-51)

Regarding claim 16, Hammond et al. teach the vacuum chamber can be anodic based on the potential of the chamber. (See Fig. 1)

Regarding claim 17, Hammond et al. teach the substrate arrangement means is a rotary carousel, and the rotary carousel is designed around the first receiving device. (Column 3 lines 43-51)

The difference between the present claims and Hammond et al. is that the second receiving device is designed for receiving several cathodes which can be arranged substantially horizontally and substantially one on top of the other such that they protrude into the vacuum chamber is not discussed (Claim 10),

Regarding claim 10, Hammond et al. teach in Fig. 2 cathodes protruding into the vacuum chamber. (Fig. 2) Okazaki et al. teach locating cathodes substantially horizontally one on top of the other in Fig. 1. (See Fig. 1)

The motivation for utilizing the features of Okazaki et al. is that it allows for forming a film in a large area. (Paragraph 0014)

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have modified Hammond et al. by utilizing the features of Okazaki et al. because it allows for forming a film in a large area.

Claims 13 and 14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hammond et al. in view of Okazaki et al. as applied to claims 10, 12, 15, 16, and 17 above, and further in view of Holubar et al. (WO 02/50864 A1).

The differences not yet discussed is that the first receiving device for receiving cathodes in the center of the vacuum chamber is designed for receiving optionally one to four cathodes, preferably rotating cathodes, that are arranged so as to be substantially vertical and that are approximately cylindrical in shape is not discussed

Art Unit: 1795

(Claim 13) and wherein the second receiving device each is designed for receiving the cathode such that the cathodes are approximately cylindrical in shape is not discussed (Claim 14).

Regarding claims 13, 14, Holubar et al. teach utilizing cathodes cylindrical in shape or arc discharge. (See Abstract; Page 6 lines 15-25)

The motivation for utilizing the features of Holubar et al. is that it allows for better utilization of cathode material. (Page 3 lines 14-17)

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have utilized the features of Holubar et al. because it allows for better utilization of cathode material.

Claim 18 is rejected under 35 U.S.C. 103(a) as being unpatentable over Hammond et al. in view of Okazaki et al. as applied to claims 10, 12, 15, 16, and 17 above, and further in view of Bergmann (U.S. Pat. 4,877,505).

The difference not yet discussed is that rotary carousel is designed such that on the rotary carousel rotary trolleys can be arranged for receiving items to be coated, and/or for receiving items to be coated is not discussed. (Claim 18)

Regarding claim 18, Bergmann teach utilizing rotary trolleys for receiving items to be coated. (Column 6 lines 30-48)

The motivation for utilizing the features of Bergmann is that it allows for achieving uniform coating. (Column 6 lines 47-48)

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have utilized the features of Bergmann because it allows for achieving uniform coating.

Claims 11 and 19-22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hammond et al. (U.S. Pat. 5,750,207) in view of Holubar et al. (WO 02/50864 A1).

Regarding claim 11, Hammond et al. teach a modular device for coating surfaces of items, with a vacuum chamber in which a physical vapor deposition method can be carried out. The vacuum chamber comprises at least one anode means 16 as well as a plurality of receiving devices for cathodes 13, 14, 15, wherein a first receiving device for receiving at least one cathode is provided substantially in the center of the vacuum chamber. At least one second receiving device for receiving at least one cathode is provided on the edge of the vacuum chamber, and the second receiving device is designed as a removable or swing open door of a vacuum chamber. (Column 3 lines 25-57; Column 5 lines 27-29)

Regarding claim 19, Hammond et al. teach that two second receiving devices are designed for receiving at least two cathodes each on the edge of the vacuum chamber as removable or swing open vacuum doors. (Column 3 lines 25-57; Column 5 lines 27-29)

Regarding claim 21, Hammond et al. teach a substrate arrangement means for receiving one or several items to be coated. (Column 3 lines 43-51)

Regarding claim 22, Hammond et al. teach the vacuum chamber can be anodic based on the potential of the chamber. (See Fig. 1)

The difference not yet discussed is that the first receiving device for accommodating cathodes designed for receiving optionally one to four cathodes, preferably rotating cathodes, that are arranged so as to be substantially vertical and that are approximately cylindrical in shape is not discussed (Claim 11) and the cathodes being cylindrical in shape is not discussed (Claim 20).

Regarding Claims 11 and 20, Holubar et al. teach utilizing cathodes cylindrical in shape or arc discharge. (See Abstract; Page 6 lines 15-25)

The motivation for utilizing the features of Holubar et al. is that it allows for better utilization of cathode material. (Page 3 lines 14-17)

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have modified Hammond et al. by utilizing the features of Holubar et al. because it allows for better utilization of cathode material.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Rodney G. McDonald whose telephone number is 571-272-1340. The examiner can normally be reached on M-Th with every Friday off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nam X. Nguyen can be reached on 571-272-1342. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 1795

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Rodney G. McDonald/  
Primary Examiner, Art Unit 1795

Rodney G. McDonald  
Primary Examiner  
Art Unit 1795

RM  
September 15, 2009